

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JAMES EDWARD CURTIS,

9 Plaintiff,

10 v.

11 LEATHERS (FNU), et al.,

12 Defendant.

CASE NO. C17-474 RAJ-BAT

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENTION OF
TIME TO EFFECT SERVICE**

13 On August 28, 2017, James Curtis filed a motion for extension of time to effect service.
14 Dkt. 23. The Court directed counsel for the Department of Corrections to indicate whether
15 counsel will accept service on behalf of Ms. Leathers (aka Jorgenson), or whether Mr. Curtis
16 should attempt to effect personal service. Dkt. 24. Defendant's counsel declined to accept service
17 on behalf of Ms. Leathers averring because Ms. Leathers is currently unavailable, counsel cannot
18 act on her behalf. Dkt. 25 at 2. Defendant's counsel also opposes extending the time to effect
19 service arguing plaintiff's attempts may be futile. *Id.* However, because it is premature to
20 conclude attempts to effect personal service is futile, the Court **ORDERS:**

- 21 1. Plaintiff's motion for extension, Dkt. 23, is **GRANTED**. Plaintiff shall attempt to
22 effect personal service no later than **September 26, 2017**, and shall file with the
23 Court proof of service, as set forth in Local Civil Rule 5(f), no later than **September**

1 **28, 2017,**

2 2. The Clerk shall provide a copy of this order to the parties, and the Honorable Richard
3 A. Jones.

4 DATED this 5th day of September, 2017.

5
6 
7 _____
8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23